

REMARKS/ARGUMENTS

Claim rejections 35 U.S.C. § 103

Claims 1-2, 8-9 and 20-21 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Sirola et al. (US Patent No. 6,415,138) (hereinafter Sirola) in view of Nishikawa et al. (U.S. 5,907,375) (hereinafter Nishikawa). The Applicant respectfully traverses the rejection in view of the following.

Independent Claim 1 recites a flexible display panel, as claimed. A display, as claimed, is capable of displaying information, content and images. Independent Claim 1 further recites a particular position on the user interface is translated into a particular command, as claimed.

In contrast, Sirola discloses an activation means arranged to transmit an indication of pressing the activation means (see Sirola, col. 4, lines 64-67). Sirola further discloses that the activation means is formed to have the same size as the touch sensitive display (see Sirola, col. 5, lines 1-2). Accordingly, the activation means as taught by Sirola is merely a cover that can transmit pressure. Moreover, the activation means as disclosed by Sirola is incapable of displaying information, content and images. As such, Sirola fails to teach or suggest a flexible display panel, as claimed.

Sirola further discloses that the points to be pressed, e.g., activation areas 3b-3d for activating different functions, on the device can be shown by orthogons, circles or corresponding figures drawn by the control program (see Sirola, col. 4, lines 52-56). Accordingly, the functions are known prior to the detection of pressed activation areas 3b-3d. As such, Sirola fails to teach or suggest that a particular position on the user interface is translated into a particular command, as claimed because Sirola knows the function prior to the detection of the pressed activation areas, thereby eliminating the need to translate.

The rejection admits that Sirola fails to teach that the flexible touch sensor is disposed immediately under the bottom of flexible display panel and is separate from flexible display panel, as claimed. The rejection relies on Nishikawa to remedy this failure. Applicant respectfully traverses in view of the following.

Nishikawa discloses that the information display screen is formed like a flexible sheet where ferroelectric liquid crystal is applied to transparent resin sheets on which indium tin oxides serves as an electrode forming a liquid crystal sheet (see Nishikawa, col. 8 line 64 to col. 9 line 4). Nishikawa further discloses that to enhance contrast, the liquid crystal sheet is sandwiched between resin polarizing plates and an aluminum reflection films bonded to the opposed face with respect to the switch matrix board (see Nishikawa, col. 9, lines 9-13).

Accordingly, Nishikawa teaches inserting a layer of resin polarizing plate and a layer of aluminum reflection films between the liquid crystal sheet 12 and the matrix switch board 1 (see Nishikawa, Figure 3, elements 12, 1, 16 and 17).

Accordingly, Nishikawa teaches away from the claimed embodiment by disclosing that to enhance contrast, the liquid crystal sheet is sandwiched between resin polarizing plates and an aluminum reflection films bonded to the opposed face to the switch matrix board. As such, Nishikawa fails to teach or suggest that the flexible touch sensor is disposed immediately under a bottom of flexible display panel and is separate from flexible display panel, as claimed.

Accordingly, the combination of Sirola and Nishikawa fails to teach or suggest the limitations of independent Claim 1, under 35 U.S.C. 103(a). Independent Claim 20 recites limitations similar to that of independent Claim 1 and is patentable for similar reasons. Dependent claims are patentable by virtue of their dependency.

As per Claim 9, the rejection admits that the cited references fail to show an additional instance of a flexible touch sensor, the additional flexible touch sensor disposed beneath a support shelf, the additional instance of flexible touch sensor coupled to user interface; and an additional instance of flexible display panel, an additional flexible display panel disposed beneath additional flexible

touch sensor, an additional instance of a flexible touch sensor coupled to user interface, whereby two sided flexible display functionality is provided to the user interface, as claimed. The rejection merely asserts that:

“since modified Sirola et al. and Nishikawa et al. apparatus provided instance of flexible touch sensor, flexible touch sensor disposed beneath a support shelf, instance of flexible touch sensor coupled to user interface; and an instance flexible display panel, flexible display panel disposed beneath flexible touch sensor, 1 instance of flexible touch sensor coupled to user interface, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement additional flexible touch sensor and flexible display panel in the Sirola et al. and Nishikawa et al. apparatus in order to provide two sided functionality to user interface similarly to the user of the cover transparent flexible, touch panel (foil-like activation means) in the Sirola et al. reference (see Abstract).”

Applicant respectfully disagrees with this assertion.

Applicant respectfully reminds the Examiner that to establish a *prima facie* case of obviousness, three basic criteria must be met, first there must be some suggestion or motivation, second there must be a reasonable expectation of success and third the prior art reference (or references when combined) must teach or suggest all the claim limitations (see *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and see MPEP 2100-126). Moreover, Applicant respectfully reminds the Examiner that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so (see *In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006)).

Applicant respectfully submits that the rejection fails to establish a *prima facie* case of obviousness because it merely asserts that the recited limitation in Claim 9 is obvious without any evidentiary support. Furthermore, Applicant respectfully submits that addition of the recited limitation in Claim 9 requires substantial engineering design in Sirola since one side of the display in Sirola is fixed to the device. Similarly, Nishikawa is directed to the copier with one side of the display fixed. Accordingly, in light of the teaching of the cited references and substantial engineering restructuring and redesign, it would not be obvious to add an additional instance of the flexible touch sensor, and an additional instance of the flexible display panel whereby two sided flexible display functionality is provided to the user interface, as claimed.

As such, allowance of Claims 1-2, 8-9 and 20-21 is earnestly solicited.

Claims 10 and 18-19 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Kikinis et al. (US Patent No. 5,634,080) (hereinafter Kikinis) in view of Katsura et al. (U.S. 6,377,324) (hereinafter Katsura) and Nishikawa. The rejection, however, has not relied upon Katsura. As such, the Applicant considers the inclusion of Katsura as a typographical error and is responding based on the presumption that the claims are rejection under Kikinis and Nishikawa. The Applicant respectfully traverses the rejection in view of the following.

The rejection admits that Kikinis fails to teach a flexible display and a flexible touch sensor disposed immediately under a bottom of flexible display panel and is separate from flexible display panel, as claimed. The rejection relies on Nishikawa to remedy the failures of Kikinis. Applicant respectfully submits that Nishikawa fails to teach or suggest a flexible display and a flexible touch sensor disposed immediately under a bottom of flexible display panel and is separate from flexible display panel, as claimed and presented above.

Accordingly, Kikinis and Nishikawa fails to render Claim 10 obvious, under 35 U.S.C. 103(a). Dependent claims are patentable by virtue of their dependency.

Claim 19 recites limitations similar to that of Claim 9. The rejection admits that the cited combination fails to teach the recited limitations and merely asserts that the recited limitation is obvious. Applicant respectfully traverses in view of the discussion presented above with respect to Claim 9.

As such, allowance of Claims 10 and 19-20 is earnestly solicited.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Nishikawa and Kikinis and further in view of Sirola. The Applicant respectfully traverses the rejection in view of the following.

Claims 11 and 12 are patentable by virtue of their dependency. Moreover, Claim 11 recites a limitation similar to a limitation recited in independent Claim 1. The rejection admits that Nishikawa and Kikinis fail to teach that the touch sensor is operable to register position where contact made with a surface of display panel, wherein a particular position on display panel is translated into a particular command for controlling portable electronic device. The rejection relies on Sirola to remedy this failure. Applicant respectfully traverses because as discussed with respect to Claim 1, Sirola fails to teach or suggest that a particular position on the user interface is translated into a particular command, as claimed.

As such, allowance of Claims 11-12 is earnestly solicited.

Claims 7 and 25 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Sirola, Nishikawa and in view of Lui et al. (US Patent No. 6,256,009) (hereinafter Lui). The rejection admits that Sirola and Nishikawa fail to teach the electronic paper as fabrication technology and relies on Lui to remedy this failure. The Applicant respectfully traverses because the Applicant does not understand Lui to remedy the shortcomings of Sirola and Nishikawa as discussed and presented above with respect to Claims 1 and 20. As such, allowance of Claims 7 and 25 is earnestly solicited.

Claim 17 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Kikinis, Nishikawa and in view of Lui. The rejection admits that Sirola and Nishikawa fail to teach the electronic paper as fabrication technology and relies on Lui to remedy this failure. The Applicant respectfully traverses because the Applicant does not understand Lui to remedy the defects of Kikinis and Nishikawa as discussed and presented above with respect to Claim 10. As such, allowance of Claim 17 is earnestly solicited.

Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Sirola, Nishikawa and in view of Post et al. (US Patent No. 6,210,771) (hereinafter Post) and Sandbach (US Patent No. 6,333,736) (hereinafter Sandbach). The rejection admits that Sirola and Nishikawa fail to teach that fabric comprises conductive fibers, conductive fibers adapted to conduct electrical impulses responsive to contact with user interface for the touch sensor. The rejection relies on Post and Sandbach to remedy this failure. The Applicant respectfully traverses because the Applicant does not understand Post and Sandbach to teach the failures of Sirola and Nishikawa as discussed and presented above with respect to Claims 1 and 20. As such, allowance of Claims 6 and 24 is earnestly solicited.

Claim 16 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Kikinis, Nishikawa, Post and Sandbach. The rejection admits

that Sirola and Nishikawa fail to teach that fabric comprises conductive fibers, conductive fibers adapted to conduct electrical impulses responsive to contact with user interface for the touch sensor. The rejection relies on Post and Sandbach to remedy this failure. The Applicant respectfully traverses because the Applicant does not understand Post and Sandbach to teach the failures of Kikinis and Nishikawa as discussed and presented above with respect to Claim 10. As such, allowance of Claim 16 is earnestly solicited.

For the above reasons, Applicant requests reconsideration and withdrawal of these rejections under 35 U.S.C. §103.


CONCLUSION

In light of the above listed remarks, reconsideration of the rejected claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-2, 6-12, 16-21, 24 and 25 overcome the rejections of record and, therefore, allowance of Claims 1-2, 6-12, 16-21, 24 and 25 is earnestly solicited.

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